IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3167 OF 2006

Shiva Lingappa Pujari ..Petitioner

V/s.

The State of Maharashtra and ors ..Respondents

Ms.T.A.Bhavsar i/b.M/s.A.V.Jain Associates for the petitioner
Mr.M.More, AGP for the respondent No.1
Ms.Kiran Bagalia,advocate for the respondent No.2
Mr.N.A.Shaikh, advocate for the BMC

CORAM : S.B.MHASE &
R.S.MOHITE, JJ.

DATE : 24TH APRIL, 2007

P.C.

1. Heard. The learned counsel for the petitioner states that he is carrying on Hotel business in a area admeasuring 55.50 sq.meters which, according to him, is more than the minimum requirement i.e.320 sq.feet. The said construction, according to the respondent No.3 is unauthorized and the respondent No.3 BMC wants to acquire for road widening. The petitioner will be alloted only

225 sq.feet as an alternate accommodation. According to the petitioner, BMC should have given 500 sq.feet and/or 50 sq.meter premises as an alternate premises. We repeatedly asked the learned counsel for the petitioner as to whether the evidence on record demonstrates that the petitioner is in possession of 50 sq.meter and/or 500 sq.feet. However, nothing has been brought to our notice. Under these circumstances, we find that an alternate accommodation has already been provided by the respondent No.3. The requirement of the widening of the road is a public use and utility. We, therefore, refrain to entertain the petition. The Writ Petition is rejected.

(**R.S.MOHITE, J.**) (**S.B.MHASE, J.**)